

**REMARKS:**

In the outstanding Office Action, the Examiner objected to claims 3-9 and 16-25 and rejected claims 1, 2, 10-15 and 26-33. Claims 1, 14, 31 and 32 are amended herein. No new matter is presented. Thus, claims 1-33 are pending and under consideration. The rejections are traversed below.

**ALLOWABLE SUBJECT MATTER:**

In the outstanding Office Action, the Examiner objected to claims 3-9 and 16-25. The rejection of the independent claims, upon which claims 3-9 and 16-25 depend, is traversed below.

Therefore, claims 3-9 and 16-25 are allowable.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 1, 2, 10-15 and 26-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: U.S. Patent No. 6,473,498 (Foth), U.S. Patent No. 5,877,872 (Nomura) and JP 07-236007 (Naka).

The Examiner maintains the comparison of Foth that enables/disables communication devices based on signal traffic detected with the claimed invention of urgently receiving data via facsimile. Foth discusses monitoring signal traffic from phone devices, personal computers and a facsimile component over a single incoming/outgoing line and accepts/terminates signals from these devices (see, col. 3, lines 55 through col. 4, line 1). However, Foth is limited to transmission over a single line based on factors identified by the sender who is sending the facsimile, when the facsimile is being sent by the sender and designation as priority by the sender.

The Examiner acknowledges that Foth does not teach setting a function to urgently receive the data, but relies on Nomura as teaching the same. Nomura discusses a facsimile apparatus connectable with telephones (handsets) where a mode selection key (54a) is used to silently (without ringing) accept all calls from outside when ringing signals from the line switching device are received at predetermined times (See, col. 12, lines 34-54). However, Nomura accepts all calls without distinguishing based on urgency and requires a user to manually manipulate the mode selection key each time a call comes from outside during in-house conversation.

On the other hand, Naka discusses selecting priority of an interruption call based on urgency or importance of a call identified by a user using manual operation of a prescribed key (see, paragraphs 9, 11 and 15).

In contrast, independent claim 1 recites, "determining whether an urgent transmission of data is demanded by a second party previously determined to be capable of urgently receiving the data" during communication with "a first party and a user able to set a function to urgently receive the data based on a phone number of the second party." When the first party is engaged in a communication that is in progress and "upon determining that the urgent transmission of data is required from the second party", the claimed method includes, "interrupting communication with the first party and receiving the urgent data from the second party... during communication with the first party."

Similarly, the system of claim 14 checks whether "an urgent transmission of data is required from a second party previously determined to be capable of urgently receiving the data based on a phone number of the second party" during communication where "a user communicating with the first party [is] able to set a function to urgently receive the data." Accordingly, the communication with the first party is interrupted "to receive the data from the second party [who is] previously determined to be capable of urgently receiving the data based on a phone number of the second party." Claim 32 recites similar features.

Independent claim 31 recites, "determining whether an access signal requiring urgent transmission is requested with a user able to set a function to urgently receive the data" and "comparing the at least one phone number stored with a phone number via which the access signal requesting transmission of data is requested during an on-going communication with the user able to set said function." The claimed method also includes, "interrupting the on-going communication to receive the facsimile data requiring urgent transmission."

The cited references, alone or in combination, do not teach or suggest a system and method enabling a user to transmit an urgent facsimile data to another engaged in an on-going communication when the transmitting user is "previously determined to be capable of urgently receiving data" where the receiving user is able to "set a function of urgently receiving the data", as taught by the claimed invention.

It is submitted that the independent claims are patentable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also

independently patentable. For example, as recited in claim 2, "determining whether an urgent receipt function is enabled upon determining that the access request signal is received from the second party", "storing a phone number of the second party", "determining whether the phone number of the second party is among urgent phone numbers from which the user allows urgent receipt of data" and "interrupting communication held with the first party and receiving the urgent data from the second party upon determining that urgent transmission of data is requested... and the phone number of the second party is among the urgent numbers."

The cited references, alone or in combination, do not teach or suggest the above features including "determining whether an urgent receipt function is enabled" and "interrupting communication held with the first party and receiving the urgent data from the second party upon determining that urgent transmission of data is requested... and the phone number of the second party is among the urgent numbers", as recited in claim 2.

Therefore, withdrawal of the rejection is respectfully requested.

#### **ENTRY OF AMENDMENTS:**

Applicants respectfully request entry of amendments to the claims because the amendments were made to clarify features already recited in the claims and do not introduce significant changes that would require a further search.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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